REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated April 17, 2009. Reconsideration and allowance of the application in view of the amendment made above and the remarks to follow are respectfully requested.

Claims 1-12 are pending in the Application. By means of the present amendment, the claims are amended including for better conformance to U.S. practice. By these amendments, the claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

These amendments to the claims are provided to place the application in condition for allowance and further place the claims in better form for appeal should such appeal be necessary, by reducing issues that may need be presented in appeal. No further search should be necessitated by these amendments to the claims as it was previously understood that the claims related to the first and second fragments prior to the claim amendments. Accordingly,

consideration and entrance of the claims as amended is respectfully requested.

In the Office Action, it is noted that the Examiner has asked the Applicant's Representative to set up either a telephonic or personal interview. The Examiner is invited to contact the Applicant's Representative at their convenience after having an opportunity to consider the comments contained herein.

In the Office Action, claim 3 is rejected under 35 U.S.C. §112, first paragraph. This rejection is respectfully traversed. However, in the interest of advancing prosecution, claim 3 is amended to be in independent form. It is respectfully submitted that this rejection under 35 U.S.C. §112, first paragraph of claim 1 is overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, first paragraph is respectfully requested.

In the Office Action, claims 1-12 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,370,091 to Kuroda ("Kuroda") in view of U.S. Patent No. 6,243,340 to Ito ("Ito"). Further, claims 1-12 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 7,274,638 to Lee ("Lee") in view of Ito. The rejection of claims 1-12 is respectfully traversed. It is respectfully submitted that claims

1-12 are allowable over Kuroda in view of Ito and Lee in view of Ito for at least the following reasons.

The Final Office Action has taken a position that "'session' and 'fragments' are merely interpreted as data, thus the claims read on a multi layer disk having data with a lead in and led out areas, furthermore the data is divided into smaller data (mini data) with lead in and lead out area." (See, Final Office Action, page 6.)

It is respectively submitted that the terms of the claims are terms of art and as such, a person of ordinary skill in the art would readily appreciate that a session and fragment is more than mere data. Further, each of the claims make clear that each of the session and fragment(s) includes separate lead-in and lead-out areas. Further, a person of ordinary skill in the art would readily appreciate that lead-in and lead-out areas are also more than "mere data". It is respectively submitted that when Applicants elect to utilize language that has a particular meaning in the relevant art, the Office Action is not free to interpret the claim language apart from the meaning attached to these terms by the relevant art. Claim language cannot be interpreted in a vacuum.

The present application is clear that "Recordable DVD discs, both the write-once type (such as DVD+R) and the rewritable type (such as DVD+R(W), are used for recording large amounts of information. Recently, dual layer versions of these recordable DVD discs have been introduced. Such a dual layer disc comprises two information layers, generally referred to as the L0 and L1 layers. The L0 layer is the information layer located closest to the side of a disc where a radiation beam, such as a laser beam, used for reading and/or recording the information enters the disc." (See, Present Application, page 1, lines 4-9.) Further, (emphasis added) "[t]he information is stored on these record carriers according to specific rules and layouts, generally referred to as Formats, which are described in documents referred to as a Standards." (See, Present Application, page 1, lines 17-19.)

It is respectfully submitted that the terms of the claims clearly should be interpreted in terms of these recognized Standards for recordable discs.

Even, assuming arguendo, that a session and fragment are mere data, a position that is strenuously objected to as should be clear from the discussion above, it is respectfully submitted that none of Kuroda, Ito and Lee discloses a data element embedded within

another data element with each having separate lead in and lead out areas. In fact, it is respectfully submitted that each of Kuroda, Ito and Lee show storing the data portions linearly such that each so-called "min data" portion linearly or by jumping follows another "min data" portion.

Accordingly, is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Kuroda in view of Ito nor Lee in view of Ito. For example, Kuroda in view of Ito and Lee in view of Ito does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein the information is stored including one fragment of written information contained within at least one other fragment of written information, wherein each fragment is contained between a session lead-in area and a session lead-out area, and wherein each fragment includes a fragment lead-in area and a fragment lead-out area apart from the session lead-in area and the session lead-out area such that a fragment lead-in area and a lead-out area of the one fragment is contained between a fragment lead-in area and a fragment lead-out area of the at least one other fragment" as recited in claim 1.

Further, is respectfully submitted that the method of claim 10 is not anticipated or made obvious by the teachings of Kuroda in view of Ito nor Lee in view of Ito. For example, Kuroda in view of Ito and Lee in view of Ito does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein the information is stored including a fragment of written information contained within a session, wherein the fragment includes a fragment lead-in area and a fragment lead-out area apart from a session lead-in area and a session lead-out area" as recited in claim 10.

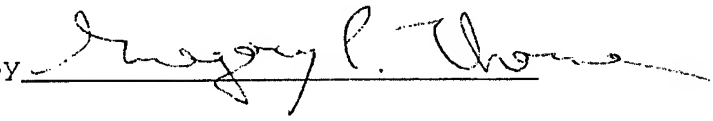
Based on the foregoing, the Applicant respectfully submits that independent claims 1 and 10 are patentable over Kuroda in view of Ito and Lee in view of Ito and notice to this effect is earnestly solicited. Claims 2-9 and 11-12 respectively depend from one of claims 1 and 10 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Particularly, the Office Actions position on what is "well established" is respectfully refuted. However, any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. In any event, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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